

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

WILLIAM CONSTANT,

Plaintiff,

-against-

NEDZAD DAPCEVIC, et al.,

Defendants.

**ORDER**

16-CV-03985 (PMH)

PHILIP M. HALPERN, United States District Judge:

The Court held an in-person pretrial conference on September 27, 2022. Counsel for all parties appeared. As explained more fully on the record during the appearance, the Court directs as follows:


1. With respect to Defendants' motions *in limine* (Docs. 139-40, 146, 152):
  - a. the request to preclude evidence pertaining to Defendants' litigation history is **granted** on consent;
  - b. the request to preclude either an exemplar baton or the actual baton allegedly used in the underlying events is **granted** on consent;
  - c. the request to admit evidence of Plaintiff's and Plaintiff's witnesses' convictions is **denied** *except* that the jury will be advised that Plaintiff and his witnesses are or were incarcerated, that they were convicted of a felony, and that they were sentenced to a term of more than one year; and
  - d. the request to admit evidence of Plaintiff's disciplinary history is **denied** *unless* Plaintiff opens the door.
2. With respect to Plaintiff's motions *in limine*:
  - a. the request to preclude evidence of Plaintiff's conviction is **granted** as indicated above (¶ 1(c));
  - b. the request to preclude evidence of Plaintiff's disciplinary history is **granted** *unless* Plaintiff opens the door;
  - c. the request to preclude Burnett from testifying is **denied**; and

- d. the request to preclude Drs. Mazarin and Ranade from testifying that Plaintiff's injuries were or were not caused specifically by a baton is **granted**.
3. The foregoing *in limine* rulings do not, however, address the issue of whether Defendants may introduce evidence pertaining to the discipline DOCCS imposed on Plaintiff as a result of the underlying events. The parties shall each, on or before **October 7, 2022**, serve and file letters supporting or opposing the admission of such evidence.
4. The parties shall meet and confer regarding the Court's directives and instructions concerning the Proposed Amended JPTO (Doc. 142), Proposed Joint Jury Charge (Doc. 137), Joint Proposed Verdict Form (Doc. 138), and Summary of the Case and file, by **October 7, 2022**:
  - a. a Second Proposed Amended JPTO;
  - b. an Amended Joint Proposed Jury Charge;
  - c. an Amended Joint Proposed Verdict Form (or two separate Proposed Verdict Forms, as the case may be); and
  - d. a Joint Letter Providing a Short Summary of the Case to be read to potential jurors at the beginning of *voir dire*.
5. Binders and flashdrives containing exhibits shall be produced to the Court no later than **October 24, 2022**.
6. The Final Pretrial Conference in this matter shall proceed at 3:00 p.m. in Courtroom 520 of the White Plains Courthouse on **October 24, 2022**.

The Clerk of the Court is respectfully directed to terminate the motion sequences pending at Doc. 139 and Doc. 143.

**SO ORDERED:**

Dated: White Plains, New York  
September 27, 2022

  
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PHILIP M. HALPERN  
United States District Judge